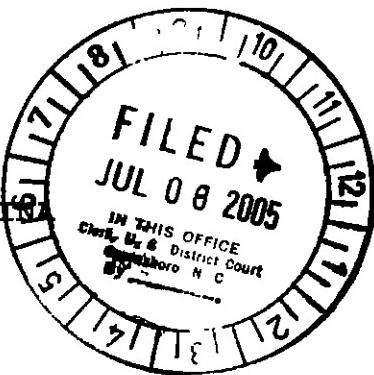


IN THE UNITED STATES DISTRICT COURT
FOR THE MIDDLE DISTRICT OF NORTH CAROLINA



QUINTON LEON SUTTON,)
Petitioner,)
v.) 1:05CV00304
UNITED STATES OF AMERICA,) 1:98CR355-2
Respondent.)

O R D E R

On April 8, 2005, the United States Magistrate Judge's Recommendation was filed and notice was served on the parties pursuant to 28 U.S.C. § 636. Thereafter, and within the time limit prescribed by Section 636, petitioner filed objections to the Recommendation.

The Court has reviewed petitioner's objections de novo and finds they do not change the substance of the United States Magistrate Judge's rulings which are affirmed and adopted.

IT IS THEREFORE ORDERED that petitioner's "motion to recall mandate" (docket no. 1) is construed as an attempt by petitioner to file a second or successive Section 2255 action.

IT IS FURTHER ORDERED that this action is dismissed due to petitioner's failure to obtain certification for this Section 2255 application by filing a Motion for Authorization in the court of appeals as required by 28 U.S.C. §§ 2244 and 2255 and Fourth Circuit Local Rule 22(d), and that finding no substantial issue for appeal concerning the denial of a constitutional right affecting

the conviction, nor a debatable procedural ruling, a certificate of appealability is denied.


E. John Dugger
United States District Judge

July 8 , 2005